

**BUSINESS REPORT**

**MONTANA HOUSE OF REPRESENTATIVES  
62nd LEGISLATURE - REGULAR SESSION**

**HOUSE EDUCATION COMMITTEE**

**Date:** Friday, February 4, 2011  
**Place:** Capitol

**Time:** 3:00 PM  
**Room:** 137

**BILLS and RESOLUTIONS HEARD:**

HB 215 - Provide that drivers' license under age 18 is subject to school attendance

**EXECUTIVE ACTION TAKEN:**

HB 288  
HB327

**Comments:**



---

REP. Scott Reichner, Chair

**HOUSE OF REPRESENTATIVES**  
**Roll Call**  
**EDUCATION COMMITTEE**

DATE: 2/4/2011

<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT/ EXCUSED</u>
REP. SCOTT REICHNER, CHAIR		X Excused
REP. KRISTIN HANSEN, VICE CHAIR	X	
REP. BRYCE BENNETT	X	
REP. MARK BLASDEL		X
REP. JOANNE BLYTON	X	
REP. CHRISTY CLARK	X	
REP. LILA EVANS	X	
REP. SUE MALEK	X	
REP. EDIE MCCLAFFERTY, VICE CHAIR	X	
REP. JONATHAN MCNIVEN		X
REP. JEAN PRICE	X	
REP. DANIEL SALOMON	X	
REP. BOB WAGNER	X	
REP. TED WASHBURN		X
REP. JEFFREY WELBORN		X
REP. FRANKE WILMER		X



## HOUSE STANDING COMMITTEE REPORT

February 4, 2011

Page 1 of 4

Mr. Speaker:

We, your committee on **Education** recommend that **House Bill 288** (first reading copy -- white) **do pass as amended.**

Signed: \_\_\_\_\_

*Representative Scott Reichner, Chair*

**And, that such amendments read:**

1. Title, page 1, line 9.

**Following:** "1-1-215,"

**Insert:** "20-5-321,"

2. Page 1, line 29.

**Strike:** "may declare"

**Insert:** "has jurisdiction over"

3. Page 2, lines 1 through 3.

**Strike:** subsection (6) in its entirety

4. Page 2.

**Following:** line 5

**Insert:** "(6) Except as provided in Title 20, chapter 5, part 5, and this section, the residence of an unmarried minor who has a parent living cannot be changed by either the minor's own act or an act of the minor's guardian."

5. Page 2, line 7.

**Insert:** "**Section 2.** Section 20-5-321, MCA, is amended to read:

**"20-5-321. Attendance with mandatory approval -- tuition and transportation.** (1) An out-of-district attendance agreement that allows a child to enroll in and attend a school in a Montana school district that is outside of the child's district of residence or in a public school district of a state or province that is adjacent to the county of the child's residence is mandatory whenever:

**Committee Vote:**

**Yes 13, No 2**

Fiscal Note Required ☐

HB0288001SC.hgh

*John*  
*2/7/11*  
*12:55*

(a) the child resides closer to the school than the child wishes to attend and more than 3 miles from the school the child would attend in the resident district and the resident district does not provide transportation;

(b) (i) the child resides in a location where, because of geographic conditions between the child's home and the school that the child would attend within the district of residence, it is impractical to attend school in the district of residence, as determined by the county transportation committee based on the following criteria:

(A) the length of time that is in excess of the 1-hour limit for each bus trip for an elementary child as authorized under 20-10-121;

(B) whether distance traveled is greater than 40 miles one way from the child's home to school on a dirt road or greater than a total of 60 miles one way from the child's home to school in the district of residence over the shortest passable route; or

(C) whether the condition of the road or existence of a geographic barrier, such as a river or mountain pass, causes a hazard that prohibits safe travel between the home and school.

(ii) The decision of the county transportation committee is subject to appeal to the superintendent of public instruction, as provided in 20-3-107, but the decision must be considered as final for the purpose of the payment of tuition under 20-5-324(5)(a)(ii) until a decision is issued by the superintendent of public instruction. The superintendent of public instruction may review and rule upon a decision of the county transportation committee without an appeal being filed.

(c) the child is a member of a family that is required to send another child outside of the elementary district to attend high school and the child of elementary age may more conveniently attend an elementary school where the high school is located, provided that the child resides more than 3 miles from an elementary school in the resident district or that the parent is required to move to the elementary district where the high school is located to enroll another child in high school. A child enrolled in an elementary school pursuant to this subsection (1)(c) may continue to attend the elementary school after the other child has left the high school.

(d) the child is under the protective care of a state agency or has been adjudicated to be a youth in need of intervention or a delinquent youth, as defined in 41-5-103; or

(e) the child is required to attend school outside of the district of residence as the result of a placement in foster care or a group home licensed by the state; ~~or.~~

~~(f) the child is residing with a caretaker relative who wants to enroll the child pursuant to 20-5-502.~~

(2) (a) Whenever a parent or guardian of a child, an agency of the state, or a court wishes to have a child attend a school under the provisions of this section, the parent or guardian, agency, or court shall complete an out-of-district attendance

agreement in consultation with an appropriate official of the district that the child will attend.

(b) The attendance agreement must set forth the financial obligations, if any, for costs incurred for tuition and transportation as provided in 20-5-323 and Title 20, chapter 10.

(c) (i) The trustees of the district of choice may waive any or all of the tuition rate. The trustees of the district of choice may waive the tuition for all students whose tuition is required to be paid by one type of entity and may charge tuition for all students whose tuition is required to be paid by another type of entity. However, any waiver of tuition must be applied equally to all students whose tuition is paid by the same type of entity.

(ii) As used in this subsection (2)(c), "entity" means a parent, a guardian, the trustees of the district of residence, or a state agency.

(3) Except as provided in subsection (4), the trustees of the resident district and the trustees of the district of attendance shall approve the out-of-district attendance agreement. The trustees of the district of attendance shall:

(a) notify the county superintendent of schools of the county of the child's residence of the approval of the agreement within 10 days; and

(b) submit the agreement for a student attending under the provisions of subsection (1)(d) or (1)(e) to the superintendent of public instruction for approval for payment under 20-5-324.

(4) Unless the child is a child with a disability who resides in the district, the trustees of the district where the school to be attended is located may disapprove an out-of-district attendance agreement whenever they find that, because of insufficient room and overcrowding, the accreditation of the school would be adversely affected by the acceptance of the child."

**Renumber:** subsequent sections

6. Page 2, line 15.

**Following:** "after"

**Insert:** "the parents"

7. Page 2, line 16.

**Strike:** "leaving"

**Insert:** "leave"

8. Page 2, line 17.

**Following:** "unable"

**Insert:** "or unwilling"

9. Page 2, line 26.

**Strike:** "Except for a child with an individualized education program, if"

**Insert:** "If"

10. Page 2, line 28.

**Following:** "enrollment."

**Insert:** "Decisions involving enrollment of a child with an individualized education program plan must be made in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. 1411 through 1420, and its implementing regulations at 34 CFR, part 300, and the applicable provisions of Title 20, chapter 7, part 4."

- END -



## HOUSE STANDING COMMITTEE REPORT

February 4, 2011

Page 1 of 1

Mr. Speaker:

We, your committee on **Education** recommend that **House Bill 327** (first reading copy -- white) **do pass as amended.**

Signed: \_\_\_\_\_

*Representative Scott Reichner, Chair*

**And, that such amendments read:**

1. Title, page 1, line 10 through line 11.

**Following:** "DISTRICTS;"

**Strike:** "ELIMINATING" on line 10 through "BALLOTS;" on line 11

2. Title, page 1, line 12.

**Strike:** "20-9-426, 20-9-427,"

3. Page 2, line 9.

**Following:** "1-6-101"

**Insert:** "or 2-16-116"

4. Page 5, line 4 through page 6, line 15.

**Strike:** sections 6 and 7 in their entirety

**Renumber:** subsequent sections

- END -

**Committee Vote:**

**Yes 15, No 0**

**Fiscal Note Required** \_\_\_\_

HB0327001SC.hgh

*Handwritten:*  
jbr  
2/7/11  
12:55

## BILL TABLED NOTICE

### HOUSE EDUCATION COMMITTEE

The HOUSE EDUCATION COMMITTEE TABLED HB 215 - Provide that drivers' license under age 18 is subject to school attendance, by motion, on Friday, February 4, 2011.

Marissa Stockton  
(For the Committee)

  
(For the Chief Clerk of the House)

4:53, 2/4  
(Time) (Date)

February 4, 2011

Marissa Stockton, Secretary

Phone: 444-4846  
-----



**HOUSE OF REPRESENTATIVES**  
**Roll Call Vote**  
**EDUCATION COMMITTEE**

DATE: 2/4/2011 BILL NO. 288 MOTION NO. \_\_\_\_\_  
 MOTION: Do Pass as amended.

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. KRISTIN HANSEN, VICE CHAIR	X		
REP. EDIE MCCLAFFERTY, VICE CHAIR	X		
REP. BRYCE BENNET	X		
REP. MARK BLASDEL	X		
REP. JOANNE BLYTON	X		
REP. CHRISTY CLARK		X	
REP. LILA EVANS	X		
REP. SUE MALEK	X		
REP. JONATHAN MCNIVEN	X		
REP. JEAN PRICE	X		
REP. DANIEL SALOMON	X		
REP. BOB WAGNER			
REP. TED WASHBURN	X		
REP. JEFFREY WELBORN		X	
REP. FRANKE WILMER	X		
REP. SCOTT REICHNER, CHAIR	X		X

# AUTHORIZED COMMITTEE PROXY

I request to be excused from the Education

Committee because of other commitments. I desire to leave my proxy vote with:

Representative Hansen

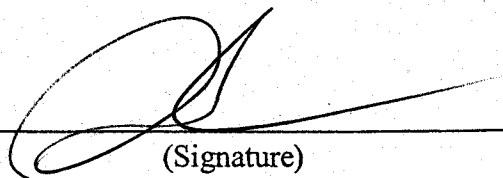
Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT                      AYE      NO

<del>HB</del> # 1 to HB 288	X	
# 2 to HB 288	X	
HB 288	X	
# 1 to HB #327	X	
# 2 to HB #327	X	
HB 327	X	
to table HB 215	X	<del>X</del>

BILL/AMENDMENT                      AYE      NO


Rep. \_\_\_\_\_

  
(Signature)

Reichner

Date 2/4/2011

# Montana House of Representatives Visitors Register

## EDUCATION COMMITTEE

DATE: 2-4-10

BILL NO: 215

SPONSOR(S): \_\_\_\_\_

BRIEF DESCRIPTION: \_\_\_\_\_

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

Name	Representing	Support	Oppose	Inform'l
Ron Thippet. Kalisech	MT Coalition Home Schollers		✓	
Stacy Wilcox	MCHO		X	
Jonathan Barbagello	Self		X	
Joellen Barbagello	Self		X	

**MONTANA House of Representatives**  
**Visitors Register**  
**HOUSE EDUCATION COMMITTEE**

**Friday, February 4, 2011**

## HB 215 - Provide that drivers' license under age 18 is subject to school attendance

**Sponsor: Representative Mike Miller**

**PLEASE PRINT**

[illegible]

**Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.**